

Applicants' claims, as amended, claim a selection invention comprising a process for regenerating 2-chlorotriyl chloride resins by utilizing an HCl chlorinating agent in organic solvent. The Harre et al. reference does not teach such a process, but rather discloses the use of thionyl chloride as the regenerating chlorinating agent. Moreover, Harre is completely non-informative as to how effective the thionyl chloride is as a chlorinating agent since Harre fails to disclose the active Cl content of the resin before use. Harre only teaches that an active Cl content of 1.6 mmol/g is achieved after a one hour treatment. By contrast, applicants' extensive work with several chlorinating systems includes disclosure showing the effectiveness of the same system as Harre (thionyl chloride in methylene chloride). As shown in Table I of applicants' specification, when recycling virgin resin with a starting active Cl content of 1.27 mol/kg (mmol/g) in methylene chloride, even for 65 hours at 40°C, only 0.97 mol/kg (mmol/g) active Cl is achieved. This 76% effectiveness is to be contrasted with the near 100% effectiveness of applicants' system.

It begs the proper legal question of patentability to simply suggest that a skilled worker in the art could also have explored different chlorinating systems to find one which is optimal. That was the effort made by applicants. Thus, applicants explored different chlorinating systems and discovered that HCl was an optimal chlorinating agent over others by examining its performance as against others. HCl was found by applicants to provide repeatable recycling effectiveness of near 100%, while the other systems had inferior effectiveness in one regard or another. Thus, for example, while PCl_5 could also achieve high Cl loading, it is such an aggressive reagent that it degrades the resin structure and makes repeated recycling unfeasible. Only HCl was found to be both optimally effective as to HCl loading while also being gentle enough to permit repeated recycling.

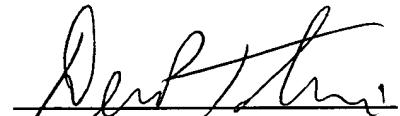
Since "obvious to try" has long been rejected by the Courts as not being the proper standard of patentability, and since the art of record in no way suggests that an HCl chlorinating/recycling system would provide optimal results, applicants' discovery is patentable over the state of the art. It is accordingly respectfully submitted that the pending rejection is legally erroneous and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully solicit allowance of claims 1-2 and 4-9 as amended.

No further fee is required in connection the filing of this Amendment. If any additional fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



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